

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SUNBELT RENTALS, INC.,

Plaintiff,

v.

Case No. 8:20-cv-1539-TPB-AAS

MASONRY & CONSTRUCTION
SERVICES, INC., AND LEVI
MONTROYA,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Amanda A. Sansone, United States Magistrate Judge, entered on April 29, 2021. (Doc. 25). Judge Sansone recommends that “Plaintiff’s Motion for an Award of Attorney’s Fee and Costs” (Doc. 22) be granted in part and denied in part. Specifically, Judge Sansone recommends that Plaintiff be awarded reasonable attorney’s fees and expenses in the amount of \$10,739.00. Neither Plaintiff nor Defendants filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district

court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Sansone’s report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Sansone’s detailed and well-reasoned factual findings and legal conclusions. Consequently, “Plaintiff’s Motion for an Award of Attorney’s Fee and Costs” is granted in part and denied in part.

Accordingly, it is

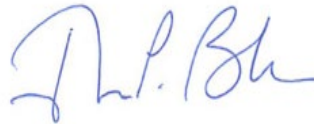
ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sansone’s report and recommendation (Doc. 25) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff’s motion for attorney’s fees and expenses (Doc. 22) is **GRANTED in part and DENIED in part**
- (3) The motion is **GRANTED** to the extent that Plaintiff Sunbelt Rentals, Inc., is awarded \$10,739.00 in reasonable attorney’s fees and expenses against the Defendants Masonry & Construction Services, Inc., and Levi Montoya, jointly

and severally, for which let execution issue. The Court will not enter a separate judgment for the fees and expenses awarded here. *See* Fed. R. Civ. P. 58(a)(3).

- (4) The motion is DENIED to the extent that Plaintiff seeks additional or different relief.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 22nd day of June, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE